

REMARKS

This Amendment responds to the Office Action dated October 8, 2004.

The Examiner objected to the following informality: On page 4, line 11, the application number was missing. The appropriate correction has been made.

The specification has also been amended at page 1, line 27 to change the U.K. application number to the U.S. Patent No. that was related to and claimed benefit to the U.K. application.

Claims 6 and 8 were objected to for being dependent on the wrong claim or claims.

Claim 6 is now dependent on claim 5, and claim 8 is now dependent on claim 3 instead of "any one of the foregoing claims." New claim 13 has been added in an effort to fix the noted informality of claim 8, and to avoid having a multiple dependent claim.

Claims 1-10 stand rejected under 35 U.S.C. 102(e) as being anticipated by Pinard et al. (U.S. No. 6,647,103) (hereinafter Pinard). This rejection is traversed.

In Pinard, unlike claim 1, a PC is required to facilitate the communication between the PDA the telephone set and the call control server. In Figure 4 of Pinard, the telephone set 1 is connected to a desktop PC 3 that, in turn, is connected to a call control server 100. Within the PC 3, a desktop TAPI service provider 52 controls the line side of the TAPI interface, while a USB TAPI service provider 55 controls the device side of the TAPI communications. Both TAPI service providers 52 and 55 communicate with a TAPI service provider 53, which provides an interface to telephony services and GUI application 54 "for implementing display and phone services within the PC 3" (column 3, lines 45-46). The PC is necessary in Pinard to process the call commands received from the PDA and to issue further messages and commands to the telephone using a further protocol that is entirely independent of the protocol used to communicate between the PDA and the PC. Pinard requires the telephone set to send a

telephony instruction to PC application 54 in the PC 3 which, in response, establishes a separate communication channel with call control 100.

Claim 1 includes the limitation "call control means for implementing telephony functions." A means-plus-function claim limitation must be interpreted to read on only the structures or materials disclosed in the specification and equivalents thereof. *See MPEP 2181.* In contrast with the PC structure disclosed in Pinard for performing this function, the specification of the present application does not disclose using a PC for performing the implementing telephony functions. In fact, the background and summary sections of the present application make it clear that the absence of a PC is a chief advantage over the Pinard patent. In contrast to the PC structure of Pinard, the invention of claim 1 eliminates the necessity of a PC and allows the PDA user to control operation of the telephone system directly from the PDA through the telephone set, which functions as a portal to the telephone system.

Furthermore, the telephone set in the invention of claim 1 operates as a network portal, in contrast with Pinard where the telephone set provides the actual instructions for call controller server 100 (with PDA 5 functioning as "an extension of the telephony interface provided by telephone set 1, see column 3, line 64 to column 4, line 28 of Pinard).

Because Pinard does not disclose the same structure to perform the telephony implementing functions of claim 1, Pinard fails to anticipate claim 1. Claims 2-10 are dependent on claim 1, and thus they are also not anticipated.

Claim 1 was also rejected under 35 U.S.C. 102(e) over U.S. Pat. No. 6,738,643 to Harris. Harris is antedated, however, by the date of invention of the subject matter of claim 1 as established by the Declaration under 37 C.F.R. § 1.131 submitted with this Reply. Accordingly, the rejections over Harris should be withdrawn.

For the foregoing reasons, Applicants assert that the Examiner's objections have been satisfied, and the rejections have been overcome. It is believed that the application, as now presented, is in condition for allowance.

Respectfully submitted,

JONES DAY



David B. Cochran
David B. Cochran
(Reg. No. 39,142)

Jones Day
North Point, 901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7506